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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 19/316**

**Appeal** by Pat Pender of Kilronan, Butlerstown, County Waterford against the decision made on the 2<sup>nd</sup> day of July, 2019 by Waterford City and County Council to grant subject to conditions a permission to Susan Molloy of Kilronan, Butlerstown, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new access/entrance porch and conversion of one room in existing dwelling to new pre-school room at Little Einstein's Playschool, Kilronan, Butlerstown, County Waterford.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the existing use on the site, the planning history of the site and the modest nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The number of children to be accommodated within the existing and proposed facility shall not exceed 17 number at any one time in order to comply with the parent planning permission for the proposed development, granted under An Bord Pleanála appeal reference number PL 24.243263 (planning register reference number 13/169).
- (b) Any proposals for intensification of attendance numbers at the site, above those already approved under An Bord Pleanála appeal reference number PL 24.243263 (planning register reference number 13/169) shall form the subject of a separate planning application.

**Reason:** In the interests of clarity and the residential amenity of the area.

3. The part of the site used as a preschool facility shall not be separated from the principle residential use of the site. In particular, it shall not be sold or let independently of the main house and, when no longer required for the preschool facility, use of that part shall revert to use as part of the main house.

**Reason:** In the interest of residential amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**